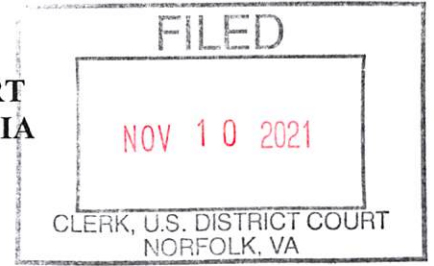


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**



UNITED STATES OF AMERICA,

v.

CRIMINAL ACTION NO. 2:19cr47

**DAVID ALCORN
AGHEE WILLIAM SMITH, II,
THOMAS L. BARNETT**

Defendants.

ORDER

Before the Court is Defendant Aghee William Smith's Motion for Leave to Take Photographs of Courtroom Layout (ECF No. 221), Defendant David Alcorn's Motion to Adopt Motion for Leave to Take Photographs of Courtroom Layout filed by Co-Defendant Aghee William Smith, II (ECF No. 230), and Defendant Thomas L. Barnett's Motion to Adopt Motion for Leave to Take Photographs of Courtroom Layout filed by Co-Defendant Aghee William Smith, II (ECF No. 241) ("Defendants' Motions"). A jury trial in this matter is currently set to begin on November 16, 2021. Defendants ask the Court to for leave to take photographs of the courtroom layout to provide factual support for and to create a record allowing for meaningful appellate review of their Motion for the Court to Adopt Courtroom Procedures that Comply with the Constitution (*see* ECF No. 220). *Id.*

Defendants assert that the purpose of this leave is to develop a factual record in support of their objection to the layout of the trial courtroom, arguing that the combination of distance, plexiglass, and face shields prevent jurors from observing the facial expression of witnesses in violation of Defendants' rights under the Fifth and Sixth Amendments. *Id.* Upon review of Defendants' Motions, the Court finds that a hearing on this Motion is not necessary.

Therefore, Defendant Alcorn's and Defendant Barnett's Motions to Adopt Defendant Smith's Motion for Leave to Take Photographs are **GRANTED**. Further, Defendants' Motion for Leave to Take Photographs of Courtroom Layout is **GRANTED**.

Accordingly, the Court will take photographs of the interior of the courtroom and provide them to the parties by making them part of the record. The Court will also ensure that all of the jurors, Defendants, and witnesses who appear during trial in this case will wear clear facial coverings for the duration of the trial. Further, in addition to being present in the courtroom, the jurors will be able view the presentation of exhibits and witness testimony on a video screen.

The Court **DIRECTS** the Clerk to provide a copy of this Order to all parties.

IT IS SO ORDERED.

Norfolk, Virginia
November 10, 2021


UNITED STATES DISTRICT JUDGE